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10 Attorneys for Defendant
11 INFINEON TECHNOLOGIES NORTH
12 AMERICA CORP.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29 GREGORY BENDER,
30 Plaintiff,
31 vs.
32 INFINEON TECHNOLOGIES NORTH
33 AMERICA CORP., a Delaware corporation, et
al.,
34 Defendants.

35 Case No. 3:09-cv-2112 RS

36 **JOINT STIPULATION AND [PROPOSED]
37 ORDER EXCUSING DEFENDANT
38 INFINEON TECHNOLOGIES NORTH
39 AMERICA CORP. FROM ATTENDING
40 THE CASE MANAGEMENT
41 CONFERENCE ON OCTOBER 28, 2010**

42 AND RELATED COUNTERCLAIMS.

43 Plaintiff Gregory Bender (“Bender”) and defendant Infineon Technologies North America
44 Corp. (“Infineon”) have reached an agreement in full settlement of their claims and counter-claims
45 against each other in this case and are in the process of finalizing that agreement and dismissal of
46 Infineon from this case. Infineon and Bender do not believe there is any need for Infineon to attend a
47 Case Management Conference and request that the Court excuse Infineon from attending the Case
48 Management Conference currently set for October 28, 2010 in this action. (See Dkt. No. 73.)

49 Therefore, pursuant to Civil L.R. 6-2 and 7-12, Bender and Infineon, through counsel, hereby

1 stipulate and agree, and request an Order, to excuse Infineon from attending the Case Management
2 Conference in this action, which is currently set for October 28, 2010.

3 IT IS SO AGREED.

4 Dated: October 22, 2010

LAW OFFICES OF DAVID N. KUHN

7 By: /s/ David N. Kuhn

8 David N. Kuhn
9 Attorneys for Plaintiff
GREGORY BENDER

10 Dated: October 22, 2010

11 McDERMOTT WILL & EMERY

12 By: /s/ Daniel R. Foster

13 Daniel R. Foster
14 Attorneys for Defendant
15 INFINEON TECHNOLOGIES NORTH
16 AMERICA CORP.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated: 10/22/10



21 HON. RICHARD SEEBORO
22 UNITED STATES DISTRICT JUDGE